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HOLLYWOOD CEMETERY CO. *v.* COMMONWEALTH.

June 13, 1918.

[96 S. E. 207.]

1. Taxation (§ 191*)—Exemptions—Power, of Legislature—Constitutional Provisions.—Under Const. 1902, § 168, providing that all property except as thereafter provided shall be taxed, and section 183, enumerating exempt property, the Legislature has no authority to exempt from taxation property not therein enumerated as it formerly could do under Const. 1869, art. 10, § 3, giving such authority.
[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 109.]

2. Taxation (§ 245*)—Exemptions—Statutory Provisions—Cemetery Company.—Under Const. 1902, § 183, enumerating property exempt from taxation, and Code 1904, §§ 457, 488, enacted thereunder, exempting public burying grounds from taxation, no other property of a cemetery company is so exempted.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 114.]

3. Statutes (§ 181 (1)*)—Construction—Application of Rules—Legislative Intent.—The general rules for construction of statutes of doubtful meaning have no application to a statute where the legislative intention is manifest from its language, and courts must give such provisions the effect clearly intended.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 760.]

4. Taxation (§ 213*)—Exemptions—Property Owned by State.—Where the state appropriated money to trustees to care for the graves of Confederate soldiers in a cemetery, which trust was executed, and the money turned over to the cemetery company, and it had absolute title thereto, such money is not exempt from taxation under Const. 1902, § 183(a), exempting property directly or indirectly owned by the state.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 114.]

(Additional Syllabus by Editor.)

5. Constitutional Law—Construction—General Rules—Applicability.—When the words of a Constitution are unambiguous and have a clear and definite meaning, indicating their purpose, the courts are not permitted to interpret that which needs no interpretation, and general rules of construction have no application.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 149.]

Error to Hustings Court of Richmond.

Petition by the Hollywood Cemetery Company against the

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Commonwealth of Virginia for relief against a tax assessment. Judgment for the Commonwealth, and petitioner brings error. Affirmed.

M. M. Gilliam and S. A. Anderson, both of Richmond, for appellant.

The Attorney General, for the Commonwealth.

DREYFUS & CO., Inc. v. WOOTERS.

June 13, 1918.

[96 S. E. 235.]

1. Master and Servant (§ 196*)—Injuries to Servant—Negligence of Fellow Servant.—A porter washing windows in the entrance to a store was a fellow servant with a clerk entering the store before going to work, and if he negligently permitted water to remain on the floor and freeze, the master was not liable for injuries to the clerk who slipped on the ice and fell.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 19.]

2. Master and Servant (§ 165*)—Injuries to Servant—Care Required.—The master need not exercise constant vigilance and supervision over the routine duties of his servants, but if the place to work becomes unsafe because of negligence of a servant, the master is responsible for consequent injuries to a fellow servant, unless within a reasonable time after notice of the danger the master fails to remove it.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 2; 9 Va.-W. Va. Enc. Dig. 669.]

3. Damages (§ 43*)—Injury to Servant.—An injured servant, if entitled to recover from the master, was entitled to have the jury consider the amount of medical expenses incurred.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 188.]

4. Trial (§ 252 (20)*)—Instruction—Damages—Applicability to Evidence.—Where an injured servant claimed damages, including the amount of medical expenses, but failed to prove the amount thereof, she was not entitled to instruction authorizing recovery of such damages.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 718.]

5. Damages (§ 210 (1)*)—Injury to Servant—Instructions.—Where the court in one instruction had fully covered every element of damages claimed in the declaration, concluding general clause of the instruction, stating that she might recover "all damages which the evidence shows she has sustained," is objectionable.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 222.]

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